

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

LEO HARDY,

CASE NO. 13-CV-769-JPS

Plaintiff,

V.

CITY OF MILWAUKEE, OFFICER MICHAEL
GASSER, OFFICER KEITH GARLAND, JR. and
OFFICER MICHAEL VALUCH, JR.,

Defendants.

DEFENDANTS' RULE 59(A) MOTION FOR A PARTIAL NEW TRIAL

Defendants, City of Milwaukee, Officer Michael Gasser, Officer Keith Garland, Jr. and Officer Michael Valuch, Jr. ("Defendants"), by and through their attorneys, Crivello Carlson, S.C., hereby move the Court, the Honorable J.P. Stadtmueller presiding, for an order, pursuant to Rule 59(a) of the Federal Rules of Civil Procedure, for a partial new trial as follows:

- 1) A new trial on the issue of whether Officer Gasser had reasonable suspicion that the Plaintiff was committing, had committed or was about to commit a crime, so as to support his stop of the Plaintiff;
- 2) A new trial on the issue of whether Officer Garland had reasonable suspicion that the Plaintiff was committing, had committed or was about to commit a crime, so as to support his stop of the Plaintiff;

3) A new trial on the issue of whether Officer Gasser, independent of the manner or nature of the search, had reasonable suspicion that he or another was in danger of physical injury, so as to justify his “pat-down” search of the Plaintiff; and

4) A new trial on the issue of whether the award of punitive damages against Officer Gasser and Officer Garland were warranted on the Plaintiff’s claims for the unreasonable stop and Officer Gasser’s decision to conduct an initial “pat-down” search of the Plaintiff.

This Motion is made based upon the pleadings and record on file with the Court, including the trial transcript (Docket Nos. 215-218), Defendants’ Brief in Support of their Motion and the Defendants further incorporate by reference all of their previous filings and arguments including, but not limited to, their previously filed motions, supporting memoranda, pre-trial submissions, objections and offers of proof.

Dated this 18th day of September, 2014.

By: /s/ Samuel C. Hall, Jr.
SAMUEL C. HALL, JR.
State Bar No. 1045476

Attorneys for Defendants, City of
Milwaukee, Officer Michael Gasser, Officer
Keith Garland, Jr. and Officer Michael
Valuch, Jr.

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